

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:13-cr-177-LSC-JEG

AARON M. RICHARDSON

**UNITED STATES' SENTENCING MEMORANDUM**

Firing a high-powered rifle at a victim's head is a serious crime. The crime becomes more serious when the victim is sitting next to his wife watching television in the privacy of his own home. But, the crime is most serious when the shot-at head belongs to a United States District Judge targeted for doing his assigned job and fulfilling his Constitutional duties. That moves the crime from the realm of attempted murder into assassination.

When Aaron Richardson pulled the trigger of his stolen rifle, three victims were in his crosshairs—literally, the judge who lived to tell; figuratively, the judge's wife who no longer enjoys the safety and security of her own home; and symbolically, the American criminal justice system that is embodied by jurists who seek to faithfully uphold our laws and our Constitution. The Court must now fashion an appropriate sentence for this unique crime. Richardson's statutory offenses permit a life sentence, his advisory guidelines recommend a life sentence, and the United States now urges the Court to impose a life sentence.

The United States presents its sentencing arguments here, in written form, to avoid the need to repeat them at the sentencing hearing.

## **I. PROCEDURAL BACKGROUND**

The Court is well acquainted with the procedural background of this case. On September 30, 2013, the Federal Grand Jury in Orlando, Florida returned a 25-count indictment against Richardson, alleging various offenses flowing from Richardson's attempt to murder United States District Judge Timothy J. Corrigan. Doc. 1. On March 11, 2016 the Court conducted a six-day jury trial on these charges. See Docs. 156 and 158-64. After listening to nearly fifty witnesses and reviewing close to 400 exhibits, the jury returned verdicts of guilty on counts 1 to 21 and 23 to 25. Doc. 164. The Government dismissed the remaining false-statement count after the jury could not reach a verdict. *Id.*

The United States Probation Office has prepared a thorough presentence report ("PSR") that well documents both Richardson's criminal conduct and his background. The sentencing hearing is set for June 24, 2016, at 9:00 a.m. Doc. 175. Other than the arguments outlined in this Sentencing Memorandum, the United States will present short statements by the victims, Judge Corrigan and his wife, and will rely upon the Court to impose a sentence that is "sufficient, but not greater than necessary" to comply with the statutory purposes of sentencing. 18 U.S.C. § 3553(a).

## **II. AVAILABLE STATUTORY SENTENCES AND ADVISORY GUIDELINES**

### **A. Statutory Sentences**

Reviewing what Richardson faces—the maximum—is the preliminary step. Richardson faces 24 statutory maximum sentences. Some, by law, must be consecutive to others. First, the sentence on count two must run consecutive to any sentence on count one. See 18 U.S.C. § 924(c)(1)(A)(iii) (requiring not less than 10 years to life “in addition to the punishment provided for such crime of violence”). Second, the sentences for counts 12 and 13 must run consecutive to all other sentences. See 18 U.S.C. § 3146(b)(2) (requiring that “imprisonment imposed under this section shall be consecutive to the sentence of imprisonment for any other offense”).

Richardson also faces statutory sentence enhancements under 18 U.S.C. § 3147. Namely, counts 1 to 19 charge Richardson with committing those offenses while on bond, resulting in an enhancement of up to 10 years for each count. See 18 U.S.C. § 3147. These 3147 enhancements “shall be consecutive to any other sentence of imprisonment.” *Id.* This includes the failure-to-appear charges in counts 12 and 13. See *United States v. Clemendor*, 237 F. App’x 473, 478-79 (11th Cir. 2007) (plain reading of 3147 requires enhanced sentence for failure-to-appear conviction under 3146).

Apart from those mandated consecutive sentences, the Court, of course, retains wide discretion to run all sentences consecutive. 18 U.S.C. § 3584(a). The facts of this rare case support the exercise of that discretion.

For the Court's convenience, the specific maximum sentences for each count, applicable 3147 enhancements, and the correct penalty section references are set out in table form below:

<b>Cts.</b>	<b>Maximum Sentence</b>	<b>§ 3147(1) Consecutive Enhancement<sup>1</sup></b>	<b>Penalty Section</b>
1	Not more than 20 years	Not more than 10 years	18 U.S.C. § 1113
2 <sup>2</sup>	10 years to life	Not more than 10 years	18 U.S.C. § 924(c)(1)(A)(iii)
3 and 4	Not more than 10 years	Not more than 10 years	18 U.S.C. § 924(a)(2)
5 to 10	Not more than 5 years	Not more than 10 years	18 U.S.C. § 1001
11	Not more than 10 years	Not more than 10 years	18 U.S.C. § 924(i)(1)
12 and 13 <sup>3</sup>	Not more than 5 years	Not more than 10 years	18 U.S.C. § 3146(b)(1)(A)(ii)
14 to 19	Not more than 5 years	Not more than 10 years	18 U.S.C. § 1001
20-21; 23-24	Not more than 5 years	None	18 U.S.C. § 1001
25	Not more than 3 years	None	18 U.S.C. § 912

<sup>1</sup> This additional penalty "shall be consecutive to any other sentence of imprisonment." 18 U.S.C. § 3147.

<sup>2</sup> This sentence must run consecutive to any penalty imposed on count one. See 18 U.S.C. § 924(c)(1)(A)(iii).

<sup>3</sup> The penalties for these counts "shall be consecutive to the sentence of imprisonment for any other offense." 18 U.S.C. § 3146(b)(2).

The United States requests that the Court impose maximum sentences for each count, impose the maximum 3147 enhancements to all applicable counts, and run each individual sentence consecutive as permitted by 18 U.S.C. § 3147(a).

**B. The USSG Advisory Recommendation**

Apart from statutory maximums, the Court must also be advised by the Sentencing Guideline's recommended sentencing range. 18 U.S.C. § 3553(a)(4). The Probation Officer correctly scored Richardson at offense level 43 and criminal history category III. At that level and category, the recommendation is life in prison. Richardson raises two objections to this scoring.

First, Richardson objects to the two-level adjustment for obstructing or impeding justice under USSG §3C1.1. That adjustment applies when a “defendant willfully obstructed or impeded, **or attempted to obstruct or impede,** the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction...” USSG §3C1.1 (emphasis added). When challenged, the District Court should make specific findings of fact before applying §3C1.1 to enable meaningful appellate review. See *United States v. Hesser*, 800 F.3d 1310, 1330 (11th Cir. 2015); *United States v. Alpert*, 28 F.3d 1104, 1107-08 (11th Cir.1994).

The Commentary to §3C1.1 provides examples of conduct that the adjustment covers. Under note four, those examples include:

... (C) producing or ***attempting to produce a false, altered, or counterfeit document*** or record during an official investigation or proceeding; ... (E) escaping or attempting to escape from custody before trial or sentencing; or ***willfully failing to appear, as ordered, for a judicial proceeding***; ... (G) ***providing a materially false statement to a law enforcement officer that significantly obstructed or impeded the official investigation*** or prosecution of the instant offense; ... [and] (H) ***providing materially false information to a probation officer in respect to a presentence or other investigation for the court...***

USSG §3C1.1 (Comm. n.4) (emphasis added).

The jury found Richardson guilty of each enumerated example, except attempting to produce a false or counterfeit document. For this conduct, the evidence well established that Richardson created a false and counterfeit order purportedly signed by Judge Corrigan. The sham order exonerated Richardson of all criminal behavior during Richardson's entire life. The evidence also established that Richardson altered a traffic crash report and medical records. He then presented those altered documents to Volusia County authorities (both the Florida State Attorney's Office and the Florida Circuit Court). In doing so, he sought to make these new criminal cases that violated his supervised release disappear. Those facts are beyond dispute.

The remaining commentary examples are easy because the jury verdict establishes them. Regarding willfully failing to appear as ordered for a judicial proceeding, the jury found Richardson guilty of counts 12 and 13, each charging him with failing to appear for court. See Doc. 1, at 8-9; Doc. 168, at 9-10; see

*also United States v. Carey*, 943 F.2d 44, 46-47 (11th Cir. 1991) (no double jeopardy violation for imposing obstruction adjustment and prosecution of defendant for failure to appear).

The Probation Officer focused on the next example—false statements to law enforcement. Here, the District Court “must find that the statements were false and material” and “must also explain how the statements significantly obstructed or impeded the investigation or prosecution of the offense.” *Alpert*, 28 F.3d at 1107. The jury found Richardson guilty of counts 5 to 10, each charging him with making false statements to the FBI. See Doc. 1, at 5-7; Doc. 168, at 4-8. The subject statements were more than mere denials of guilt; they consisted of a false alibi and false statements intended to misdirect the investigation away from Richardson and away from his criminal behavior that formed the underlying motive for his crimes. See *United States v. Uscinski*, 369 F.3d 1243, 1247 (11th Cir. 2004) (“Because [defendant] did not simply deny his guilt, but instead concocted a false, exculpatory story that misled the government, the district court did not err concluding that [defendant] significantly obstructed justice.”); *United States v. Salemi*, 26 F.3d 1084, 1088 (11th Cir. 1994) (error to deny adjustment when “statements were not merely denials of guilt or purely exculpatory statements, but were purposely made to impede and misdirect the investigation in its infancy stage”).

For instance, in count 5 the jury found Richardson gave a false alibi by claiming he was at his mother’s apartment from 4:00 p.m. on June 22, 2013,

through the following day, June 23. Richardson actually purchased a movie ticket from the Cinemark Theater less than two miles from the Corrigan's home at 8:02 p.m. on June 22, 2013. He later used the phone of a bartender who was right around the corner at the Southside Ale House at 2:02 a.m. on June 23, 2013. Armed with truthful information, FBI agents could have obtained video surveillance from each location. They also could have obtained phone records, helping to reveal that Richardson's mother picked him up close to the Corrigan's residence.<sup>4</sup> By the time agents learned Richardson's true whereabouts, though, surveillance footage no longer existed.

Similarly, in counts 6 and 7, the jury found that Richardson told agents the room where the rifle was located was not his room, and he had no knowledge about the rifle located inside that room. These statements misdirected agents to Richardson's younger brother instead of the true perpetrator, Richardson himself.

Additionally, in count 9, the jury found Richardson guilty of lying about his charges being dropped in Volusia County. Those charges were never dropped and remain pending today. If Richardson had told the truth, agents would have located the altered documents Richardson filed in Volusia County much earlier. Overall, if Richardson had told the truth when agents interviewed him, the FBI would have immediately searched the entire apartment of Richardson's mother

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<sup>4</sup> The FBI did not learn of this call with the bartender's phone until Richardson's mother much later admitted that she had received a call and picked her son up in the early morning hours just after the shooting. This was contrary to an earlier story she told agents about not having seen her son on the date in question.



like they did when they learned that the weapon fired at Judge Corrigan was a .30 caliber rifle.

The final commentary example that applies here is providing materially false information to a probation officer conducting an investigation for the court. In this regard, the jury found Richardson guilty of count 15. See Doc. 1, at 11; Doc. 168, at 12. The jury found that Richardson lied to his probation officer, Sally Watson, about missing Court on June 3, 2013. Court minutes from the missed hearing reflect that “[t]he Court request[ed] that Probation verify the information regarding Defendant’s grandparents prior to his next hearing.” Govt. Ex. 29. When Watson contacted Richardson as instructed, Richardson falsely told her that the funeral involved an aunt and cousin named Shalice and Kaprice. The jury found this statement was false.

In sum, four concrete examples of covered conduct exist in this case. The jury found three of them present beyond all reasonable doubt. A single example is sufficient to trigger the two-level increase under USSG §3C1.1, but the presence of all four fully vindicates the Probation Officer’s approach.

Richardson’s second guideline objection is a request for departure for mental defects and condition under USSG §§5H1.3 and 5K2.0(a)(4). USSG §5H1.3 states, “Mental and emotional conditions may be relevant in determining whether a departure is warranted, if ... present to an unusual degree and distinguish the case from the typical cases covered by the guidelines.” Richardson unquestionably suffers from mental issues. His competency to

proceed has now been restored by involuntary medication in two federal cases and he has undergone numerous competency examinations. Mental health treatment, in fact, was a specific condition of the original supervised release that played a central role in these crimes.

Nevertheless, the Court does not have to delve too deeply into this issue for guideline purposes. The Eleventh Circuit has cautioned, “[O]rdinarily mental and emotional conditions are irrelevant to mitigate defendants' culpability, but ... in extraordinary instances the conditions may be relevant—but then only if the defendant committed a nonviolent crime.” *United States v. Russell*, 917 F.2d 512, 517 (11th Cir. 1990); *see also United States v. Salemi*, 26 F.3d 1084, 1087 (11th Cir. 1994) (noting “the guidelines and the case law are clear in stating that mental and emotional conditions should not be considered if the defendant committed a violent crime”); *United States v. Fairman*, 947 F.2d 1479, 1482 (11th Cir. 1991) (no need to consider mental condition when defendant is convicted of violent crime in pre-*Booker* case).

Indeed, mental-condition departures must be tempered by USSG §5K2.13. That guideline prohibits departures for diminished capacity when “the facts and circumstances of the defendant's offense indicate a need to protect the public because the offense involved actual violence or a serious threat of violence” or when “the defendant's criminal history indicates a need to incarcerate the defendant to protect the public.” *See United States v. Smith*, 289 F.3d 696, 714 (11th Cir. 2002) (noting that “U.S.S.G. § 5K2.0 departures based

on diminished capacity are further restricted by U.S.S.G. § 5K2.13”); *United States v. Nelson*, 609 F. App’x 559, 577 (11th Cir. 2015) (“This Court has held that if a defendant committed a violent crime, the defendant is not eligible for a § 5K2.13 diminished-capacity departure.”).<sup>5</sup>

Here, Richardson’s crimes involved actual violence—attempted murder with a firearm. Richardson’s criminal history also demonstrates an overwhelming need to incarcerate Richardson for public safety. Richardson was on supervised release **and** was on bond conditions when he committed most of these offenses. Nothing short of incarceration will protect the public from future violence. Even incarceration has its limits, as evidenced by Richardson’s record of behavior while in custody. In sum, no guideline departure is warranted, although the Court certainly can consider Richardson’s mental history as part of his overall history and characteristics.

### **III. 18 U.S.C. § 3553(a) SENTENCING FACTORS**

Having reviewed what the Court can do and what the Sentencing Guidelines suggest the Court should do, the Court primarily must consider the sentencing factors outlined in 18 U.S.C. § 3553(a) to arrive at the proper sentence in this case. These factors include (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need to reflect the seriousness of the offense, to promote respect for the law, and to

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<sup>5</sup> Although Richardson’s mental defects and condition provide no basis for guideline departure, as noted below, those conditions can be appropriate considerations under 18 U.S.C. § 3553(a) after *Booker*. See *United States v. Gibbs*, 237 F. App’x 550, 568 (11th Cir. 2007) (discussion of USSG §5K2.13 and observation that “we do live in a post-*Booker* world where the guidelines range is now only advisory”).

provide just punishment for the offense; (3) the need for deterrence; (4) the need to protect the public; (5) the need to provide the defendant with needed educational or vocational training or medical care; (6) the kinds of sentences available; (7) the Sentencing Guidelines range; (8) pertinent policy statements of the Sentencing Commission; (9) the need to avoid unwanted sentencing disparities; and (10) the need to provide restitution to victims. See 18 U.S.C. § 3553(a).

The weight given each factor is committed to the sound discretion of the District Court. *United States v. Amedeo*, 487 F.3d 823, 832 (11th Cir. 2007). The District Court need not expressly discuss each factor, so long as the Court considers the defendant's arguments at sentencing and states that the Court has considered each of the 3553(a) factors. *United States v. Scott*, 426 F.3d 1324, 1329 (11th Cir. 2005); *United States v. Bilus*, 626 F. App'x 856, 875-76 (11th Cir. 2015).

The 3553(a) factors overwhelmingly require a life sentence here. Some of those factors, moreover, are particularly weighty.

**A. Nature of the Offense**

The Court must consider the nature of the offense. 18 U.S.C. § 3553(a)(1). Unquestionably, the nature of Richardson's crime is serious and warrants life in prison. Attempting to kill an Article III officer of the United States, appointed by the President and confirmed by the Senate, strikes at the very heart

of our legal system. With no more information than that, one can hardly imagine a more life-deserving crime.

A perhaps imprecise measure of the seriousness of Richardson's crimes is the maximum time he faces. Just on counts one and two, Richardson faces 30 years plus 10 years to life plus 10 years. Altogether, Richardson faces cumulative sentences of 323 years followed by life plus 10 years on count two. Richardson's natural life expectancy does not permit him to serve the amount of time Congress has authorized him to serve for these crimes.

A more precise measure of seriousness is the advisory guideline range. "Range" is misleading because Richardson's guidelines recommend life, without a range. His offense score is off the chart. The real score goes beyond what the Sentencing Commission has determined to be the most serious offense one can commit. But, as precise as the Sentencing Guidelines are, they do not encompass all of Richardson's aggravating circumstances here.

#### **B. Circumstances of the Offense**

The Court must consider the circumstances of the offense, even if not mentioned in the Sentencing Guidelines. 18 U.S.C. § 3553(a)(1). The circumstances here provide fertile soil for a life sentence and distinguish this attempted murder, a most serious offense, from many others.

The first is premeditation and planning. Between at least May 27, 2013, until his arrest, Richardson was consumed with murdering and assassinating a United States District Judge. He spent extensive time searching the internet for

Judge Corrigan, Judge Corrigan's family, Judge Corrigan's home, and even personal phone numbers for Judge Corrigan and his wife. Richardson even saved those numbers on his phone as a contact he labeled "Mission Freedom." Instead of seeking court-ordered employment, he took his bicycle to the opposite side of Jacksonville where he located the weapon he planned to use, talked to a store employee about it for over 20 minutes, and made sure it was powerful enough to do the job. Several days later, he hid overnight in the same Sports Authority, a licensed firearm dealer, where he stole that weapon along with a box of ammunition powerful enough to kill a bear. He then showed up in the darkness outside the Corrigan's home, loaded his weapon, raised the scope to his eye, and, looking at the back of Judge Corrigan's head, pulled the trigger. This elaborate killing plan consumed Richardson for nearly a month and provided hundreds of opportunities for further reflection and abandonment.

The next noteworthy circumstance is the timing and location of the crime. Richardson did not try to kill Judge Corrigan at or near the courthouse during normal business hours. Instead, he waited until late at night, stationed himself outside the Corrigan's private home, and waited until the Judge's wife was in the room before shooting. These facts add more aggravation to a crime that already deserved life.

Yet another aggravating circumstance is obstructive behavior. Richardson lied to his probation officer about his legal troubles and missing court appearances. He told his mother to quit communicating with him because law

enforcement could track him. He used phones of complete strangers in an attempt to cover up his deeds. He refused to come to the door when Deputy Marshal's located him. He then told multiple lies to the FBI when questioned about trying to kill Judge Corrigan. Cover up and deceit increase the need for punishment because they show a deep lack of remorse.

Using a deadly weapon plays a role too. As a convicted felon, Richardson was prohibited from possessing firearms. A condition of supervised release also prohibited that. And, to remove all doubt, a written bond condition expressly prohibited Richardson from possessing weapons. Despite all this, Richardson still researched and inspected a high-powered rifle, stole it, possessed it, and discharged it at Judge Corrigan's head.

Another circumstance here is dishonesty, fraud, and deceit. Evidence at trial established that Richardson impersonated three authority figures: an officer of the United States Navy, a licensed medical doctor, and a sitting United States District Judge. Richardson forged military correspondence, altered a traffic crash report, doctored medical records, and prepared a phony court order that exonerated him from a lifetime of criminal behavior. That same phony order cleared his driving record and sanitized an undesirable credit report. The forgery of Judge Corrigan's signature was so good that only the bizarre provisions contained in the forged order revealed that it was not genuine. Thus, Richardson intended to not only steal Judge Corrigan's life, but also the dignity and power of his Constitutional office.

The number, variety, and geographic location of Richardson's other crimes, as well as the duration of his crime spree, also merit consideration. Counts one and two independently merit life; Richardson's offenses go far beyond. Federally, he committed weapons offenses, lied to the FBI, lied to his Probation Officer, and impersonated an officer of the United States military. He committed all these crimes while on supervised release and most while on bond. He intentionally snubbed his nose at this Court when he willfully missed multiple court hearings. He committed other offenses against the state of Florida, including four burglaries, retail theft, and traffic offenses. His crime spree spanned two divisions of this court, two judicial circuits of the state of Florida, and three Florida counties. The spree lasted nearly a year, from June 2012 through June 2013. The volume and diversity of criminal behavior he amassed in such a short time shows the need for a life sentence.

One final circumstance is most aggravating and deeply disturbing. Richardson failed to accomplish his "mission" when he missed Judge Corrigan's head by 1.6 inches on June 23, 2013. Instead of remorse, contrition, or even fear of getting caught with the weapon, Richardson held on to the stolen rifle. Rather than get rid of it, he brought it home so that he could use it again. Instead of having a change of heart, he began preparations for the next time by searching the internet to learn about making a rifle silencer and shooting more accurately. His "mission" was incomplete, he was going to get his "freedom documents," and he would not fail the next time.



Only a life sentence is proper under the circumstances of this case.

**C. Richardson's History and Characteristics**

The Court must also consider Richardson's history and characteristics. 18 U.S.C. § 3553(a)(1). These too weigh in favor of a life sentence.

Richardson is 27. Since age 19, he has spent his life in prison or on supervised release. His original conviction—attempting to make an incendiary device—illustrates his lack of respect for others, his lack of respect for private property, and his lack of respect for the law (as he ran from the apprehending officer). His present crimes confirm these dispositions much deeper.

His criminal history shows that he is not amenable to supervision of any kind. He has violated supervised release and bond conditions in multiple ways. While on supervised release for his first felony case, *United States v. Aaron Richardson*, Case No. 3:08-cr-302-J-32TEM, he committed 24 new felonies—19 of them after release on bond. Florida authorities arrested him for four new burglaries, multiple traffic offenses, retail theft, and possessing a weapon. His crime spree stretched over the course of a full year, took place in multiple locations, and resulted in many state and federal offenses. This criminal history provides clear evidence that incarceration is the only way to protect the public.

With Richardson, incarceration even has its challenges. Even in custody, he has attempted to escape, possessed hazardous weapons, destroyed prison property, threatened others, lied, and refused to obey orders. While prison may

pose unique challenges for future jailers, incarceration is the only way to suppress Richardson's future crimes against the general public.

Richardson, though, will rely on mental defects and condition to suggest a lower sentence is appropriate. As noted above, a guideline departure is not available due the violent nature of Richardson's crimes and the need to protect the public. The Court can, however, consider mental defects and condition under 3553(a). See *United States v. Gibbs*, 237 F. App'x 550 (11th Cir. 2007). In *Gibbs*, the defendant was charged with attempted robbery and murder. At sentencing, the defense urged leniency for mild retardation. The District Court disagreed, imposed a life sentence, and "specifically cited the seriousness of the murder and attempted robbery offenses, the need to promote respect for the law, to provide just punishment, and to protect the public from further serious violent crimes in its decision to impose a life sentence." *Id.* at 558.

On appeal, the Eleventh Circuit affirmed, observing, "[W]e cannot say that the district court erred in (1) noting that [defendant's] impulsiveness and inability to think of consequences also made him more dangerous, and (2) giving significant weight to the need to protect the public, one of the § 3553(a) factors." *Id.* at 568. The Government urges the same analysis here.

If Richardson somehow demonstrates that his mental defects and condition contributed to his calculated, organized plan to murder a United States District Judge, those defects and conditions make Richardson more dangerous to the public, not less. The need to protect against future violence is paramount,

and a life sentence is the only way to do so. While Richardson might continue to be a menace to correctional staff, a life sentence insures that he will not be one to law-abiding citizens or the criminal justice system as a whole.

**D. The Need to Reflect the Seriousness of the Offense and the Need to Provide Just Punishment**

The Court's sentence must reflect the seriousness of Richardson's crimes and must also provide just punishment. 18 U.S.C. § 3553(a)(1)(A). The seriousness of Richardson's crimes is outlined above and calls for life.

The need to provide just punishment does too. So far, Richardson has received merciful treatment from the Court for both his crimes and his refusals to comply with the Court's lawful authority. He received a time-served, below-guideline disposition in *United States v. Aaron Richardson*, Case No. 3:08-cr-302-J-32TEM. After violating supervised release the first time, community service was added. After violating supervised release again, he appeared in Court by summons instead of arrest warrant. He then was released on bond instead of being detained. He then violated bond conditions by committing a new crime and, even then, was allowed to remain free under his mother's supervision. Instead of gratefulness to a criminal justice system that has treated him fairly, mercifully, and with respect, Richardson devised a detailed plan to murder the highest symbol of that system he knew, United States District Judge Timothy Corrigan. Leniency is no longer at play; just punishment requires a life sentence.

**E. The Need to Promote Respect for the Law**

The Court's sentence must also promote respect for the law. 18 U.S.C. § 3553(a)(1)(A). Richardson has none.

During his initial felony, Richardson ran from police. He accumulated numerous infractions while in custody. Once released, he became a walking supervised-release violation. Instead of complying with his initial probation officer, Joseph Abraham, Richardson lied to Judge Corrigan and claimed that Abraham was forcibly removed from his college campus because Abraham was a security risk. Richardson then began telling multiple lies (on official reports and in text messages) to his new probation officer, Sally Watson.

He committed many offenses while on supervised release, and most of those following release on bond. He willfully failed to appear for hearings (here and in state court), and then told lies about why. He altered documents and submitted them to a state court. He prepared sham orders from Judge Corrigan. He refused to come to the door, forcing Deputy Marshals to forcibly breach his mother's apartment and release a K-9. Then, after being apprehended, he told more lies to the FBI.

While these are serious displays of his deep-seated lack of respect for the law, the ultimate disrespect happened when he shot at Judge Corrigan's head on June 23. Richardson came within 1.6 inches of killing the person who was the highest embodiment of the law to him. For all of that, a life sentence is compelled.

**F. The Need for Specific Deterrence and to Protect the Public**

The Court's sentence must "afford adequate deterrence to criminal conduct" and "protect the public from further crimes of the defendant." 18 U.S.C. §§ 3553(a)(1)(B) & 3553(a)(1)(C). With Richardson, a life sentence is the only way to do so.

The Government has already outlined why Richardson is a significant risk to the public. The Court has tried every form of supervision available, and none works. When a defendant on supervised release and bond continues to commit serious, life-threatening crimes, incarceration is the only tool available to provide specific deterrence and to protect the public. When that same defendant tries to murder a judge with a high-powered rifle, no one is safe when that defendant is not behind bars.

Specific deterrence and public safety are weighty factors here.

**G. The Need for General Deterrence**

One final factor present to an unusual degree is general deterrence. Thankfully, history shows that cases like this are extremely rare and very unique. In fact, "since 1949, [only] three federal judges have been assassinated." M. Jones, *In the Line of Fire, A Tribute and Discussion About the Assassinations of Judge John H. Wood, Jr., Richard J. Daranco, and Robert S. Vance*, 49 Creighton L. Rev. 1 (2015).

The first was District Judge John Wood (known as "Maximum John" due to his sentencing approach). Judge Wood was murdered by Charles V. Harrelson

(actor Woody Harrelson's father) on May 29, 1979. Harrelson was convicted of conspiring to murder, murder, and obstruction of justice. He received two life sentences. *Id.* at 6. The Fifth Circuit described Judge Wood's murder as follows:

In late May of 1979, Judge Wood was instantly killed by a dum dum bullet fired into his back from a six millimeter rifle capable of extremely high velocity. He was shot while entering his automobile at his townhouse residence in north San Antonio, preparatory to driving to work at the courthouse downtown. Witnesses placed appellant Charles Harrelson at the townhouse complex that morning; further investigation indicated that Judge Wood's murder by Harrelson was arranged by appellant Jamiel Chagra, a gambler and narcotics dealer under indictment for drug offenses, who was to be tried before Judge Wood and who feared his reputation for imposing severe sentences in drug cases.

*United States v. Harrelson*, 754 F.2d 1153, 1158 (5th Cir. 1985).

The next was Judge Richard Daronca. He was assassinated on May 21, 1988, by an upset father with grievances about Judge Daronca's handling of his daughter's employment case. Judge Daronca's murder is described as follows:

On Saturday, May 21, 1988, at around 2:10 p.m., Judge Daronco was gardening outside his Pelham [New York] home. While Judge Daronco was gardening, [his killer, Charles Koster] burst through one of the home's hedges and fired several shots at the judge. The shots immediately drew attention. Judge Daronco's wife, daughter, and family friend actually observed him being attacked.

Even though Judge Daronco had been shot, he was able to "[stagger] toward the kitchen door . . . in an effort to get away . . . ." One neighbor even recalled hearing the judge yell, "I need help, I need help[!]"

Judge Daronco successfully retreated to the kitchen door, which was eight to ten feet away from where he was initially ambushed. He was then able to make it through his home's foyer and to the study, where he "collapsed behind a door and died, apparently from the wounds he had suffered outside." Meanwhile, [the killer] followed Judge Daronco inside the home, where he committed suicide by shooting himself in the head. Witnesses believe this was the only shot fired inside the judge's home.

Jones, 49 Creighton L. Rev. at 10-11 (citations omitted).

The final was Eleventh Circuit Judge Robert Vance, killed by Walter L.

Moody, Jr. The Eleventh Circuit described Judge Vance's murder as follows:

On December 14, 1989, Moody sent the first package [a bomb] to Judge Vance's home in Mountainbrook, Alabama. This package bore the return address of Judge Vance's colleague, Judge Lewis Morgan. Over the next two days, Moody sent bombs to the Jacksonville Branch of the NAACP, Robert E. Robinson, and this court's Clerk's Office. The first bomb detonated late in the afternoon of December 16, when Judge Vance opened the box addressed to him. Judge Vance was killed almost instantly; his wife, Helen Vance, was seriously injured by the blast. Two days later, Mr. Robinson detonated the second bomb; he lingered in agony for several hours before succumbing to his wounds. An alert security officer intercepted the third bomb at the Court of Appeals building in Atlanta, and employees at the Jacksonville NAACP did not open the fourth bomb because they had heard about the other bombings.

*United States v. Moody*, 977 F.2d 1425, 1428-29 (11th Cir. 1992). Moody was sentenced to seven life sentences and 400 years concurrent.<sup>6</sup> *Id.* at 1429.

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<sup>6</sup> Strangely, Richardson's past criminal behavior and Moody's are eerily similar. In an earlier case from 1972, "Moody [had been] convicted in federal court in Macon for possessing [a] bomb, although he was acquitted of manufacturing it, and he served three years in federal prison." *Id.* at 1428.

Richardson came within 1.6 inches of making Judge Corrigan the fourth member of this sad list. But for a 1.6 inch mistake, Judge Corrigan would have been the first Federal judge assassinated in over 25 years, and the only Federal judge assassinated this century. Like Judge Wood's and Judge Daronca's killers, Richardson used a firearm. Like Judge Daronca's and Judge Vance's killers, Richardson attempted his despicable deed at the judge's home in front of the judge's wife.

The Court now has the unique opportunity to show others who might be contemplating similar violence against the judiciary what happens as a result. An attack on what a judge embodies merits the harshest possible sentence. One commentator has observed, "[J]udges will continue to be targets of violence; as long as judges continue to be targets of violence, the government has a responsibility to not only stay abreast of judicial security, but to also provide adequate protection to our nation's judges." Jones, 49 Creighton L. Rev. at 10-21. Part of that adequate protection is the ability to send a clear and compelling message to others about what happens to people who launch physical attacks on the judiciary of the United States. In a free society, judges necessarily must endure criticisms, complaints, and harsh rhetoric about how they go about doing their jobs and the wisdom of their decisions. They should never have to endure bullets to the head in the privacy of their own homes.



**CONCLUSION**

Richardson deserves a life sentence. The United States now asks the Court to impose one.

Respectfully submitted,

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**U.S. v. AARON M. RICHARDSON**

**Case No. 3:13-cr-177-LSC-JEG**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

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